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Bail Slip

Ponpandi, S/o.Arumugam, Aged about 29 years, was released on bail vide the order of this Court dt.08.11.2013 made in MP(MD)No.1/2013 in CrI.R.C(MD)No.761 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.761 of 2013

Ponpandi

... Revision Petitioner/Appellant/
Accused No.2

Vs

State represented by
The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
(CrI.No.65 of 2010)

...Revision Respondent/Respondent/
Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to admit this revision on file to call for the records from the Lower Courts and to set aside the Judgment passed by the IIIrd Additional District and Sessions Judge, Tirunelveli, Tirunelveli District in her C.A.No.34/2012, dated 10.07.2013, in confirming the conviction of the Assistant Sessions Judge, Ambasamudram, Tirunelveli District in his S.C.No.24 /2011, dated 26.04.2012 by allowing this revision.

For Petitioner : Mr.V.Kathirvelu
Senior Counsel

For Respondent : Mr.A.Robinson
Government Advocate (CrI.side)

ORDER

The petitioner and one Dharmaraj faced trial in S.C.No.24 of 2011 on the Assistant Sessions Judge, Ambasamudram, Tirunelveli District. By Judgment dated 26.04.2012, they were convicted and sentenced as follows:-

S.No.	Offence	Sentence	Fine	Default of Payment
1	448 IPC	6 months Rigorous Imprisonment		



2.	307 IPC	3 years Rigorous Imprisonment	3000	6 Months Rigorous Imprisonment
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Questioning the same, the petitioner filed Criminal Appeal No.34 of 2012. While A1-Dharmaraj filed Criminal Appeal No.47 of 2012 before the Third Additional District and Sessions Judge, Tirunelveli, Tirunelveli District. By Judgment dated 10.07.2013, both the appeals were dismissed. It is not known as to what happened to the first accused. He does not appear to have filed any revision case challenging the dismissal of the appeal. He is also said to be absconding. Be that as it may, the petitioner/A2 submits that having regard to the evidence on record, he would not contest the finding of guilt and that he would compensate the victim Soundharrajan-P.W.3.

3.The learned Senior Counsel appearing for the petitioner states that the petitioner has not come under adverse notice thereafter. The petitioner was in prison for about a month.

4.Having regard to these mitigating aspects, this Court, even while sustaining the conviction imposed on the petitioner and the levy of fine, reduces the period of imprisonment to the period already undergone by him. The petitioner, however, shall deposit a sum of Rs.25,000/- to the credit of S.C.No.24 of 2011 on the file of the Assistant Sessions Judge, Ambasamudram, Tirunelveli District, within a period of eight weeks from the date of receipt of a copy of this order. The said amount shall be disbursed by the trial Court to the victim P.W.3-Soundharrajan. In the event of failure on the part of the petitioner to do so, he will have to undergo three months simple imprisonment by way of default sentence.

5.With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.



2.The IIIrd Additional District and Sessions Judge,
Tirunelveli, Tirunelveli District.

3.The Assistant Sessions Judge, Ambasamudram,
Tirunelveli District.

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+1 CC to M/s.K.PRABHU, Advocate (SR-72694[F] dated 02/07/2019)

RMI

Cr1.R.C (MD) No.761 of 2013
02.07.2019

KM/ (23.07.2019) 3P 5C